



Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
(508) 278.6487

Minutes of the Uxbridge Zoning Board of Appeals held on **Wednesday, February 4, 2009** at 7:00 P.M. in the Board of Selectmen's Office, Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA:

Zoning Board of Appeals Members Present: Mark Wickstrom, Charles Lutton, Stephen O'Connell were present, as well as Alternates Joseph Frisk and Chris Walkiewicz.

Zoning Board of Appeals Members Absent: None

Others Present: Megan T. DiPrete, Director of the Department of Planning & Economic Development and Tracey Ante Administrative Assistant

The meeting being duly called, properly posted and a quorum being present, Chairman Mark Wickstrom convened the meeting at 7:00 PM.

FY 09-09: The applicant/owner of record D.W. Phillips Electric Co., Inc. is seeking Variances from the frontage and area square footage requirements of the Zoning By-laws on property located at 39 Marywood Street, Uxbridge, MA, shown on the Town of Uxbridge Assessor's Map 24A Parcel 666 and recorded in the Worcester County District Registry of Deeds Book 43372, Page 396. The applicant requests the Variances in order to ultimately divide the property, creating two substandard, nonconforming lots.. As proposed, both resulting lots will lack the frontage and area requirements of the Zoning Bylaws.

Mr. O'Connell recused himself due to conflict of interest. Mr. Frisk was designated as a fully participating member for the purposes of this application.

Atty. Gerry Lemire was present and spoke on behalf of the applicant. He stated that the applicant has a hardship and therefore requests the variances, and noted that properties on the other side of the street are very small and the resulting parcels would appear similar to those.

The Chairman opened the public hearing, and numerous parties of interest addressed the Board. Areas of concern include lot size and shape, current and historical zoning regulations affecting the subject parcel, the different regulations which apply to property "across the street" which is in a different zoning district, and the impact on the neighborhood.

There was evidence that the applicant purchased the property in September 2008, and the zoning requirements that are currently in effect were in effect at that time. The applicant testified there would be a financial hardship if he were not able to create a new lot to build and sell a second house.

The applicant argued that the soil conditions, shape or topography of the land contributed to the alleged hardship in that the existing lot was too small (did not have enough frontage or area) to be divided into two conforming building lots. The applicant noted that the existing lot was sufficient to have a duplex (two family) dwelling, but that the applicant would rather construct a separate single family structure instead of adding on a unit to the existing dwelling.

After discussion and deliberation, **MOTION** by Mr. Lutton to close public hearing. Seconded by Mr. Frisk, the motion carried unanimously.

MOTION by Mr. Lutton to deny applicant's requests for Variances from the frontage and area square footage requirements of the Zoning Bylaw in order to eventually seek subdivision approval to create a new lot at 39 Marywood Street based, on a finding that the requested Variances would be detrimental to the neighborhood and that the applicant did not submit evidence of any hardship. Seconded by Mr. Frisk, the motion carried unanimously.

Mr. O'Connell returned to the Board.

Bylaws and Regulations – The Board will continue discussions at their next scheduled meeting.

ZBA Workshop – A ZBA Workshop is scheduled for February 18, 2009. Mr. O'Connell will coordinate with the Bylaw Review Committee.

MINUTES. MOTION by Mr. Lutton to approve the January 7, 2009 Meeting Minutes. Seconded by Mr. O'Connell, the motion carried unanimously.

MOTION by Mr. Lutton to adjourn the meeting at 8:00pm. Seconded by Mr. O'Connell, the motion carried unanimously.

Mark Wickstrom, Chairman

Stephen O'Connell, Clerk

Charles Lutton, Vice Chairman

Joseph Frisk (Alternate)

Chris Walkiewicz (Alternate)

Date _____